

**BUREAU OF AUTOMOTIVE REPAIR**  
**CAP APPLICATION AND STAR PROGRAM MODIFICATIONS**

TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 3340.15, AND 3394.6

Legend: Deleted text is indicated by ~~striketrough~~.

Added text is indicated by underlining.

Omitted text is indicated by (\* \* \* \*).

- (1) Amend Section 3340.15 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

**§ 3340.15. General Requirements for Smog Check Stations.**

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

- (a) The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.
- (b) A licensed inspector and/or repair technician shall be present during all hours the station is open for the business. Testing and/or repairing of vehicles pursuant to the Smog Check Program shall be performed by a licensed inspector and/or repair technician, consistent with their license classification.
- (c) The station, inspector, and/or repair technician licenses shall be posted prominently under glass or other transparent material in an area frequented by customers.
- ~~(e)~~(d) The station shall post conspicuously in an area frequented by customers a list of price ranges for the specific activities for which it is licensed. The posted prices shall include the price charged by the station for inspections, and, if a separate price is charged for reinspections, the reinspection price. The station shall also post the inspection prices for vans and/or heavy-duty vehicles if those prices differ from the passenger car inspection price. If the station imposes an hourly labor charge for repairs, the hourly labor rate shall be posted. The price of issuance of a certificate of compliance or noncompliance charged by the bureau shall be posted separately from the price of the inspection and of the reinspection, if any.

~~(f)~~(e) The station shall make, keep secure, and have available for inspection on request of the bureau, or its representative, legible records showing the station's transactions as a licensee for a period of not less than three years after completion of any transaction to which the records refer. All records shall be open for reasonable inspection and/or reproduction by the bureau or its representative. Station records required to be maintained shall include copies of:

- (1) All certificates of compliance and certificates of noncompliance in stock and/or issued,
- (2) Repair orders relating to the inspection and repair activities, and
- (3) Vehicle inspection reports generated either manually or by the emissions inspection system.

The above listed station records shall be maintained in such a manner that the records for each transaction are kept together, so as to facilitate access to those records by the bureau or its representative. In this regard, the second copy of an issued certificate shall be attached to the final invoice record.

~~(g)~~(f) A smog check station shall be open and available to the general public for Smog Check Program services.

~~(h)~~(g) A smog check station shall afford the bureau or its representative reasonable access during normal business hours to the station for the bureau's quality assurance efforts to evaluate the effectiveness of tests and/or repairs made to vehicles subject to the Smog Check Program.

~~(i)~~(h) A licensed smog check station shall not sublet inspections or repairs required as part of the Smog Check Program, except for the following:

- (1) Repairs of a vehicle's exhaust system which are normally performed by muffler shops, provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.
- (2) Repairs of those individual components that have been previously diagnosed as being defective and that have been removed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.
- (3) Repairs of diesel-powered vehicles provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.
- (4) Repairs to a vehicle's transmission provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.



(5) Corrections to the vehicle's on-board computer systems' software provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(j)(i) With respect to the sublet of repairs, the smog check station originally authorized by the customer to perform the repairs shall be responsible for any repair in the same manner as if station or its employees had done the repair.

Note: Authority cited: Section 44002 and 44030, Health and Safety Code; and Section 9882 and 9884.9(b), Business and Professions Code. Reference: Sections 44014, 44030, 44032, 44033, 44036, 44037 and 44045.5, Health and Safety Code.

(2) Amend Section 3394.6 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

**§ 3394.6. Application and Documentation Requirements for the Consumer Assistance Program.**

(a) In order to participate in the Consumer Assistance Program, the applicant shall meet the requirements pursuant to 3394.4 et seq. and submit a completed application, ~~08-022~~ CAP/APP (~~01/12~~07/12), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).

\* \* \* \*

Note: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.